IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO.21666 of 2004

Between:

Gunturu Chandra Rao S/o.Trinadha Rao, Occ:Driver,
D.No.1-3-09, Etcharla Post & Mandal, Srikakulam Dist

..... PETITIONER

AND

The Depot Manager APSRTC.,
Srikakulam-I, Depot, Srikakulam.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate with or order or direction more particularly one in the nature of Writ of Certiorari calling for records of the Tribunal below pertaining to the I.D.No.103/2000 and to quash the order only to the effect of not granting the back wages and consequently direct the respondent to grant him back wages.

Counsel for the Petitioner:MR.RAVI CHEEMALAPATI

Counsel for the Respondent: KUM.B.G.UMA DEVI

The Court at the admission stage made the following Order:

This writ petition is filed by the petitioner-workman aggrieved by the award passed by the Industrial Tribunal-cum-Labour Court, Visakhapatnam in I.D.No.103 of 2000 dated 14.02.2002.

The case of the petitioner is that he was appointed as casual driver in the respondent-Corporation and subsequently, he was promoted as Grade-I driver in the year 1991. While so, the workman was charge sheeted alleging that he produced 'Bogus School Certificate' and secured driver post. An enquiry officer was appointed and a regular enquiry was conducted and found that the charges were proved and therefore, the workman was served with a show cause notice and finally, he was removed from service. Challenging the same, the petitioner raised I.D. before the Tribunal.

To substantiate the case of the workman, Exs.W.1 and W.2 were marked and no oral evidence was let in. On behalf of respondents, Exs.M.1 to M.17 were marked and no oral evidence was let in.

The Tribunal, though recorded that the respondent-Management established that Ex.M.5 record sheet submitted earlier is not genuine one,

ordered for reinstatement with continuity of service but without back wages. Challenging the same, the present writ petition is filed.

It is not the case of the petitioner that without affording any opportunity, the enquiry officer conducted enquiry and the findings arrived at by him are irrational and it is also not his case that he was not allowed to adduce any evidence in the enquiry or that the findings of the enquiry officer are not based upon proper appreciation of evidence on record. The disciplinary authority after conducting regular enquiry removed the petitioner from service. Inspite of the fact that the petitioner produced Bogus school certificate and secured the driver post, the Tribunal has taken a sympathetic view and ordered for reinstatement. Since the petitioner was removed from service after conducting regular enquiry, he is not entitled for the back wages.

Hence, the writ petition is devoid of merits and it is dismissed at the stage of admission. No order as to costs.

17.01.2005

usd

To

1. The Depot Manager APSRTC.,
   Srikakulam-I, Depot, Srikakulam.

2. Two CD copies